

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

RICKYLEE RICARDO PINKNEY,

Plaintiff,

V.

DEPUTY GENE AMOS; DEPUTY MISSIE
FUTCH; SHERIFF PAUL REVERE; and
SHERIFF CLAY SMITH,

Defendants.

CV 125-094

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

JUN - 6 2025

FILED

ORDER

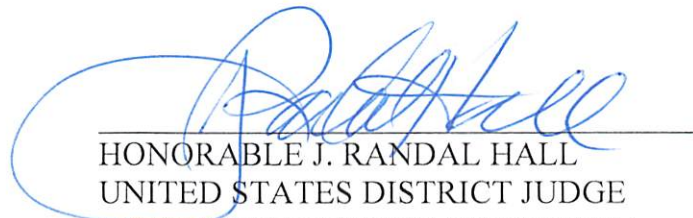
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 7.) The Magistrate Judge recommended dismissal of Plaintiff's case because he filed suit only after the applicable statute of limitations expired, and he is not entitled to equitable tolling. (See doc. no. 5.) Specifically, the Magistrate Judge found neither Plaintiff's attempts to obtain counsel, nor his attempts to resolve his claims informally with the Lincoln County Sheriff's Office, warranted application of statutory tolling under Georgia law or equitable tolling under Georgia or federal law. (Id. at 4-6.)

In his objections, Plaintiff now argues his PTSD and depression symptoms and treatment also “affected his capacity to timely file.” (Doc. no. 7.) Plaintiff’s conclusory allegation of mental incapacity is insufficient to meet his burden to show his mental impairments constitute extraordinary circumstances beyond his control or that his untimely

filing was unavoidable even with diligence to warrant application of the federal equitable tolling doctrine. Ashley v. Does 1-2, No. 5:22-CV-74, 2024 WL 1242489, at *5 (S.D. Ga. Mar. 22, 2024) (“To allege equitable tolling based on mental incapacity, a plaintiff must establish a ‘causal connection’ between plaintiff’s alleged mental incapacity and his ability to file a timely civil action.” (quoting Bridgewater v. DeKalb Cnty., No. 1:10-cv-1082, 2010 WL 11507266, at *8 (N.D. Ga. July 12, 2010))). Indeed, Plaintiff’s objections belie his contention he was mentally incapacitated by describing his ongoing attempts to resolve his claims informally and obtain legal representation throughout the time the statute of limitations ran. (See doc. no. 7.)

Accordingly, the Court the Court **OVERRULES** Plaintiff’s objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case for failure to state a claim upon which relief may be granted, and **CLOSES** this civil action.

SO ORDERED this 6th day of June, 2025, at Augusta, Georgia.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA